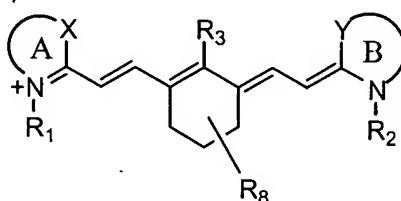


IN THE CLAIMS

Please cancel claims 1-28 and add new claims 29- as follows:

Claims 1. - 28. (Canceled).

29. (New) The use of a fluorescent label in a particle for detecting an analyte comprising a particle having a fluorescent label of the formula:



wherein:

A and B each independently represent ring structures with sufficient carbon atoms to make up a cyanine nuclei;

X and Y are each independently selected from the group consisting of O, S, NR₉, and CR₉R₁₀;

R₁ and R₂ are each independently selected from the group consisting of H, C₁-C₂₀ alkyl, C₁-C₂₀ haloalkyl, C₁-C₂₀ alkylene, and C₁-C₂₀ haloalkylene;

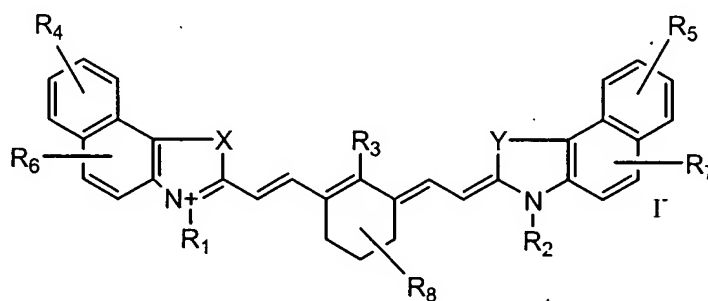
R₃ is selected from the group consisting of H, halogen, OH, OR₁₁, SR₁₁, NR₁₁R₁₂, C₁-C₆ alkyl, C₁-C₆ alkylene, C₃-C₆ cycloalkyl, C₃-C₆ cycloheteroalkyl, C₃-C₆ cycloalkylene, C₃-C₆ cycloheteroalkylene, phenyl, biaryl, heteroaryl, and heterobiaryl, wherein the C₁-C₆ alkyl, C₁-C₆ alkylene, C₃-C₆ cycloalkyl, C₃-C₆ cycloheteroalkyl, C₃-C₆ cycloalkylene, C₃-C₆ cycloheteroalkylene, phenyl, biaryl, heteroaryl and heterobiaryl groups are unsubstituted or substituted with halogen, OH, C₁-C₄ alkyl, or C₁-C₄ haloalkyl;

R₈ is selected from the group consisting of C₁-C₄ alkyl, and C₁-C₄ haloalkyl;

R_9 and R_{10} are each independently selected from the group consisting of hydrogen, C_1 - C_4 alkyl, and C_1 - C_4 haloalkyl; and

R_{11} and R_{12} are each independently selected from the group consisting of C_1 - C_6 alkyl, C_3 - C_6 cycloalkyl, phenyl, biaryl, heteroaryl, or heterobiaryl, wherein the C_1 - C_6 alkyl, C_1 - C_6 cycloalkyl, phenyl, biaryl, heteroaryl, and heterobiaryl groups are unsubstituted or substituted with halogen, OH, C_1 - C_4 alkyl, or C_1 - C_4 haloalkyl, or when R_3 represents $NR_{11}R_{12}$, R_{11} and R_{12} may be taken together to form an optionally substituted C_3 - C_6 aliphatic or C_3 - C_6 aromatic heterocyclic ring.

30. (New) The use of a fluorescent label according to Claim 29 of the formula:

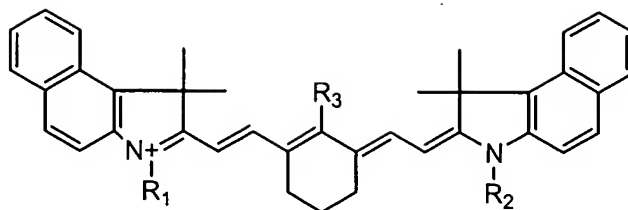


wherein:

R_4 , R_5 , R_6 , and R_7 are each independently selected from the group consisting of hydrogen, halogen, OH, C_1 - C_4 alkyl, or C_1 - C_4 haloalkyl, phenyl, and heteroaryl.

31. (New) The use of a fluorescent label according to Claim 31 wherein R_1 and R_2 are identical.

32. (New) The use of a fluorescent label according to Claim 31 of the formula:

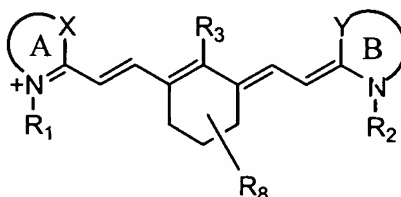


wherein:

R_1 and R_2 are each independently a C_1 - C_{20} alkyl; and

R_3 is H, halogen, or -S-phenyl.

33. (New) The use of a fluorescent label according to Claim 29 wherein the ring structures represented by A and B are each independently a benzoindole ring.
34. (New) The use of a fluorescent label according to Claim 29 wherein the fluorescent label has a near-infrared excitation wavelength.
35. (New) The use of a fluorescent label according to Claim 29 wherein the fluorescent label has an emitting light greater than 750 nm.
36. (New) A method for incorporating a fluorescent label into a particle comprising:
 - a) preparing a suspension of particles; and
 - b) adding a solution of two or more fluorescent labels to the suspension, thereby incorporating the fluorescent labels into the particles, where at least one fluorescent label is a compound of the formula:



wherein:

A and B each independently represent ring structures with sufficient carbon atoms to make up a cyanine nuclei;

X and Y are each independently selected from the group consisting of O, S, NR₉, and CR₉R₁₀;

R₁ and R₂ are each independently selected from the group consisting of H, C₁-C₂₀ alkyl, C₁-C₂₀ haloalkyl, C₁-C₂₀ alkylene, and C₁-C₂₀ haloalkylene;

R₃ is selected from the group consisting of H, halogen, OH, OR₁₁, SR₁₁, NR₁₁R₁₂, C₁-C₆ alkyl, C₁-C₆ alkylene, C₃-C₆ cycloalkyl, C₃-C₆ cycloheteroalkyl, C₃-C₆ cycloalkylene, C₃-C₆ cycloheteroalkylene, phenyl, biaryl, heteroaryl, and heterobiaryl, wherein the C₁-C₆ alkyl, C₁-C₆ alkylene, C₃-C₆ cycloalkyl, C₃-C₆ cycloheteroalkyl, C₃-C₆ cycloalkylene, C₃-C₆ cycloheteroalkylene, phenyl, biaryl, heteroaryl and heterobiaryl groups are unsubstituted or substituted with halogen, OH, C₁-C₄ alkyl, or C₁-C₄ haloalkyl;

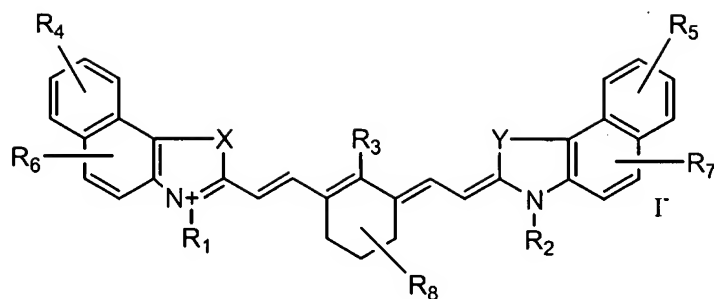
R₈ is selected from the group consisting of C₁-C₄ alkyl, and C₁-C₄ haloalkyl;

R₉ and R₁₀ are each independently selected from the group consisting of hydrogen, C₁-C₄ alkyl, and C₁-C₄ haloalkyl; and

R₁₁ and R₁₂ are each independently selected from the group consisting of C₁-C₆ alkyl, C₃-C₆ cycloalkyl, phenyl, biaryl, heteroaryl, or heterobiaryl, wherein the C₁-C₆ alkyl, C₁-C₆ cycloalkyl, phenyl, biaryl, heteroaryl, and heterobiaryl groups are unsubstituted or substituted with halogen, OH, C₁-C₄ alkyl, or C₁-C₄ haloalkyl, or when R₃ represents NR₁₁R₁₂, R₁₁ and R₁₂ may be taken together to form an optionally substituted C₃-C₆ aliphatic or C₃-C₆ aromatic heterocyclic ring.

37. (New) A method according to Claim 36 wherein the particles are polymeric beads.

38. (New) A method according to Claim 36 wherein at least one of the fluorescent labels is a compound of the formula:

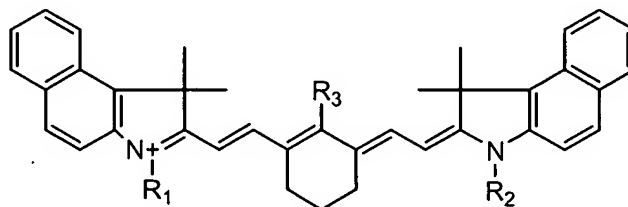


wherein:

R₄, R₅, R₆, and R₇ are each independently selected from the group consisting of hydrogen, halogen, OH, C₁-C₄ alkyl, or C₁-C₄ haloalkyl, phenyl, and heteroaryl.

39. (New) A method according to Claim 36 wherein in at least one of the fluorescent labels, R₁ and R₂ are identical.

40. (New) A method according to Claim 36 wherein at least one of the fluorescent labels is a compound of the formula:



wherein:

R₁ and R₂ are each independently a C₁-C₂₀ alkyl; and

R₃ is H, halogen, or -S-phenyl.

41. (New) A method according to Claim 36 wherein in at least one of the fluorescent labels, the ring structures represented by A and B are each independently a benzoindole ring.

42. (New) A method according to Claim 36 wherein at least one of the fluorescent labels has a near-infrared excitation wavelength.

43. (New) A method according to Claim 36 wherein at least one of the fluorescent labels has an emitting light greater than 750 nm.